IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No.1151 of 2007.
[Dr. Arun S/o Sarangdhar Jirwankar]
Vs.

[State of Maharashtra and others]

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Register's orders.	Court's or Judge's Orders

.....

Shri KA Choube, Advocate for the petitioner.

CORAM : A. H. JOSHI &
R. C. CHAVAN, JJ.
DATED : 19/07/2007.

1. Normally, we would not have interfered in this petition since it is a service matter, Forum would have been Maharashtra Administrative Tribunal.

2. However, since we feel that we can follow the view already taken in petitions of similar nature at Mumbai granting certain protection, we therefore, pass the following order.

3. Rule. Heard forthwith.

4. The petitioner was appointed on 17-7-1998

purportedly on a contract basis and the same has been continued from time to time. The post has not been advertised and the petitioner appeared before the MPSC for regular selection. The petitioner apprehends that now his services would be terminated, as according to the learned Counsel, the government proposed to proceed on the footing that the petitioner is now age barred.

5. Considering the above contention, the petitioner can be disposed of by issuing the following directions :

[i] The petitioner to be continued in service till a regular candidate is duly selected and it will not be open to the respondents to replace one adhoc employee by another adhoc employee except on disciplinary grounds or for unfitness. The petitioner, therefore, to be continued till the duly selected candidate by the MPSC is selected and joins the post.

[ii] In so far as, the age is concerned, considering the fact that the petitioner has worked nearly for 9 years pursuant to the appointment order, the service he has put

in should be considered for relaxing his age requirement and that will not stand in his way of selection.

JUDGE JUDGE

sbm